

**EXHIBIT**

3

Department of Homeland Security	FOI COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT		(FOR AGENCY USE)
<p>PRIVACY ACT STATEMENT (USC 552a)</p> <p>AUTHORITY: Public law 92-261.</p> <p>Principle Purpose: Formal filing of allegation of discrimination because of race, color, religion, sex, national origin, age, handicap, reprisal, or sexual orientation.</p> <p>Routine Uses: This form and the information on this form may be used (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act, (b) to respond to requests from legitimate outside individuals or agencies (e.g., Members of Congress, the White House, and the Equal Employment Opportunity Commission (EEOC)) regarding the status of the complaint or appeal; and (c) to adjudicate complaint or appeal.</p> <p>Disclosure: Voluntary, however, failure to complete all appropriate portions of this form may lead to rejection of complaint on the basis of inadequate data on which to determine if complaint is acceptable.</p>			
1. NAME OF COMPLAINANT (Last, First, Middle Initial)		4. ADDRESS (Include City, State and ZIP Code)	
Ware, Raymond		1255 NUUANU, APT E1212 HONOLULU, HI. 96837	
2. SSN			
3a. HOME TELEPHONE NO.	3b. WORK TELEPHONE NO.	5c. IF YES, NAME, TELEPHONE AND ADDRESS OF REPRESENTATIVE.	
908-779-4298		Daphne E. Barbee #2911 1188 Bishop #1909 Honolulu, HI 96813 808-533-0275	
5. ARE YOU BEING REPRESENTED?			
a. YES (complete 5c) b. NO (Skip to item 6a)			
6a. NAME OF DOT OPERATING ADMINISTRATION YOU BELIEVE DISCRIMINATED AGAINST YOU		7. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION OCCURRED	
TSA		090803	
6b. ADDRESS OF ALLEGED DISCRIMINATION ORGANIZATION (Include City, State and ZIP Code)		8. ARE YOU WORKING FOR THE FEDERAL GOVERNMENT?	
4601 FAIRFAX DR. 4TH FLOOR ARLINGTON VA. 22203		a. YES (Complete items 9, 10 and 11) b. NO (Skip to item 12)	
9. NAME OF AGENCY WHERE YOU ARE CURRENTLY EMPLOYED		11a. TITLE OF YOUR CURRENT POSITION	
HONOLULU INTERNATIONAL AIRPORT		CHECKPOINT SCREENER SOPV	
10. ADDRESS OF YOUR CURRENT EMPLOYER (Include City, State and ZIP Code)		11b. GRADE/SERIES OR PAY BAND.	
300 ROBERTS BLVD. #45 HONOLULU, HI 96819		GG	
12. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (Check below)			
A. RACE (Specify)	→ African-American	F. SEX (Specify)	→ MALE
B. COLOR (Specify)	→	G. DISABILITY (Specify)	
C. RELIGION (Specify)	→	H. SEXUAL ORIENTATION	
D. NATIONAL ORIGIN (Specify)		I. REPRISAL (Specify protected activity)	
E. AGE (Specify Date of Birth mm/dd/yyyy)		- I previously filed an EEO complaint for failure to promote.	

13. I HAVE DISCUSSED MY COMPLAINT WITH AN EEO COUNSELOR

a. YES (Complete 13c)

b. NO

13c. IF YES, NAME OF EEO COUNSELOR

FARHA RAHMAN

14. DATE OF FINAL INTERVIEW

080803

15. EXPLAIN SPECIFICALLY HOW YOU WERE DISCRIMINATED AGAINST (That is, treated differently from other employees or applicants, because of your race, color, religion, sex, national origin, age, mental or physical handicap, or reprisal). (If your complaint involves more than one basis for your dissatisfaction list and number each such allegation separately and furnish specific, factual information in support of each). (Use additional sheet(s), if necessary).

Allegation No. 1:

SEE ATTACHED

16. LIST IN ITEM 19 THE NAMES OF YOUR WITNESSES AND WHAT FACTUAL INFORMATION EACH WILL BE EXPECTED TO CONTRIBUTE THROUGH HIS/HER TESTIMONY TO THE INVESTIGATION OF YOUR COMPLAINT

17. WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT? (If more than one allegation state overall corrective action desired and the specific corrective action desired for each separate allegation).

SEE ATTACHED

18. HAVE THE MATTERS LISTED IN ITEM 15 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD?

a. YES (Explain in number item 19)

b. No

19. REMARKS

SEE ATTACHED

20. SIGNATURE OF COMPLAINANT

Raymond E. Love

21. DATE SIGNED (MM/DD/YYYY)

090503

# INFORMATION CONCERNING THE PROCESSING OF YOUR COMPLAINT OF DISCRIMINATION

This form will be used only if you, as a TSA employee or as an applicant for Federal employment, believe you have been treated unfairly because of your race, color, religion, sex, national origin, age, mental or physical disability, reprisal or sexual orientation. If you have questions concerning the completion of this form, you may call the TSA Civil Rights Office at (571) 227-2349.

Your written, formal complaint must be filed within 15 calendar days of the date of your final interview with the EEO counselor. This time may be extended if you can give a good reason for not submitting the complaint within the 15 calendar day limit.

If the matter has not been resolved to your satisfaction within 30 calendar days of your first interview with the EEO counselor and the final counseling interview has not been completed within that time, you have the right to file a formal complaint at any time thereafter up to 15 days after the final interview.

Your written formal complaint must be signed, dated and filed in person by you or your attorney or sent by mail to the U.S. Department of Transportation, Departmental Office of Civil Rights, 400 7th Street, S.W. Room 2104, Washington, DC 20590, Attention: Cuffin Gordon, Chief, Compliance Operations Division (S-34).

You may have a representative at all stages of the processing of your complaint.

STATEMENT REGARDING EEO COMPLAINTNo.15

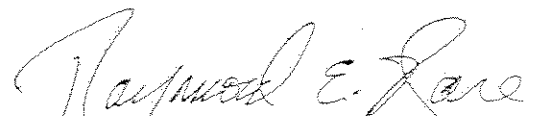
I previously filed an EEO complaint for race discrimination at TSA Honolulu International Airport for failure to promote. I contacted and requested EEO counseling June 23, 2003. EEO Counselor Farha M. Rahman discussed my complaint with me by phone twice. Enclosed is a report of our EEO counseling session. Since I have worked at TSA Honolulu International Airport, there have been four opportunities where screening supervisors could be promoted to screening managers. I am qualified. I applied for all vacancies. I was not promoted to any of the vacancies. I am African American. In August 1, 2003, I applied for promotion as screening manager, for 3 more vacancies. Once again, I was not promoted. I called Tom Ward in Washington D.C., TSA recruitment center and was told that I was on the list approved for promotion. However Honolulu TSA Security Director Sidney Hiyakawa did not promote me. I asked Sidney Hiyakawa why I was not promoted on September 4, 2003. He told me he was not involved in the selections for screening managers, however he did approve the promotions. I believe the failure to promote was based upon race and retaliation because I previously filed an EEO complaint. On September 6, 2003 I found out that three screening supervisors were placed in rotation for screening manager. I am not included in this rotation.

No. 17. Corrective Action Requested.

Promotion, Increase in pay, Back Pay, Interest, Compensatory Damages for pain, suffering and mental anguish, punitive damages, costs and attorneys fees.

NO. 19. List of Witnesses

Miligros Drake- she will testify about discrimination at TSA Honolulu.  
 Cynthia Albert- she will testify about discrimination at TSA Honolulu.  
 Frederick Morris- he will testify about discrimination at TSA Honolulu.  
 Jose Abrante- he will testify about discrimination at TSA Honolulu.  
 Ed Yasana- he will testify about discrimination at TSA Honolulu.  
 Sidney Hiyakawa- he will testify about working conditions and personnel decisions at TSA Honolulu  
 Ken Kamahale- he will testify about working conditions and personnel decisions at TSA Honolulu  
 Warren Kadakawa -he will testify about working conditions and personnel decisions at TSA Honolulu.  
 Danny Cappel- he will testify about working conditions and personnel decisions at TSA Honolulu  
 Edward Morin- he will testify about working conditions and personnel decisions at TSA Honolulu  
 William Waters- he will testify about working conditions and personnel decisions at TSA Honolulu  
 Leonard Ventura- he will testify about working conditions and personnel decisions at TSA Honolulu  
 Charlie Duboyce -he will testify about working conditions and personnel decisions at TSA Honolulu  
 Alvin Kahalewai- he will testify about working conditions and personnel decisions at TSA Honolulu



Luane Nelson- will testify about working conditions and personnel changes.  
Donn Webb- will testify about working conditions and personnel changes  
Richard Kadini- will testify about working conditions and personnel changes  
Bill Foster -will testify about working conditions and personnel changes  
David Norton -will testify about working conditions and personnel changes  
Joanna Northcutt- will testify about working conditions and personnel changes  
Elaine Matsuda -will testify about working conditions and personnel changes  
Jason Stewart- will testify about working conditions and personnel changes  
Bill Payne- will testify about working conditions and personnel changes  
Robin Wong- will testify about working conditions and personnel decisions.  
EBO Farha Rahman- U.S. Customs-she was supposed to follow up on my EEO complaint.  
Channey McCarthey- TSA EEO in Washington D.C.- he took my EEO complaint on June 8,2003  
Harold Bellamy -Investigator- will testify as to my good character.  
Dr. Fai Yip- Family physician- will testify as to stress and damages  
Dr. Sonny Wong-Cardiologist- will testify as to stress and damages.  
Ching Chu Ware- she will testify about the stress Complainant has suffered.

*Raymond E. Ware*